

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6097

BILL NUMBER: SB 36

NOTE PREPARED: Feb 20, 2003

BILL AMENDED: Feb 13, 2003

SUBJECT: Juvenile Court Jurisdiction for School Suspension

FIRST AUTHOR: Sen. Kenley

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: Local

Summary of Legislation: (Amended) This bill permits the prosecuting attorney or county Office of Family and Children to file a petition alleging that a child suspended or expelled from school is a child in need of services (CHINS) if the: (1) school corporation; (2) prosecuting attorney; (3) county Office of Family and Children; and (4) judge of the court with juvenile jurisdiction; have agreed to the referral of suspended or expelled children to the juvenile court for a CHINS determination.

The bill requires the school corporation to pay the costs of services ordered by the juvenile court if: (1) the child is found to be a CHINS; and (2) there is an agreement to refer suspended or expelled children to the juvenile court for a CHINS determination. The bill also specifies that a school is not required to pay more than 90% of the tuition support the school corporation receives for services ordered by the juvenile court.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) The total cost of this bill is dependent upon several factors. The (1) school corporation; (2) prosecuting attorney; (3) county Office of Family and Children; and (4) judge of the court with juvenile jurisdiction must agree to the referral of suspended or expelled children to the juvenile court for a CHINS determination. Only if this agreement is reached will the local school corporation have greater expenditures.

Total cost of this bill is dependent upon administrative action of the parties involved. Even if all required parties are in agreement, cost is dependent upon the local school corporation's referral of students meeting the conditions set in this bill. The local school corporation is responsible for the costs of all services ordered for the child (other than secure detention) and for the child's parent, guardian, or custodian if the child is found to be a CHINS, up to the cap imposed by this bill.

This bill caps the school corporation's liability associated with services for a child in need of services. The bill states that the school corporation's reimbursement to the county may not exceed 90% of the tuition support distributed to the school corporation on behalf of each student for the year. The per capita tuition support amount varies among districts based upon the school funding formula. The average per capita tuition support for CY 2003 is \$3,694. Thus, the maximum county reimbursement would be approximately \$3,325 for a CHINS, on average. FSSA estimates that the current cost of a CHINS case is approximately \$3,600 per child. Total cost is dependent upon the number of students referred for a CHINS determination.

County Office of Family and Children, Court with Juvenile Jurisdiction, and County Prosecutor: The caseloads of the county Office of Family and Children, court with juvenile jurisdiction, and county prosecutor may increase. This increase is contingent upon these entities entering into an agreement with all required parties. In addition, the increase is dependent upon the local school corporation referring individuals to the court for a CHINS determination. This increase in caseload and associated costs is unknown and contingent upon administrative action. FSSA estimates the average cost of providing services for a child in need of services (CHINS) for CY 2001 to be approximately \$3,600 per year. The cost for a child found to be a CHINS under this bill may be higher or lower than this estimate. The bill requires that the school corporation pay for services up to a set point. The bill is silent on who is responsible for costs beyond the school reimbursement cap. Cost to the county may increase under this bill due to the school corporation reimbursement cap.

Background Information: Only those students suspended or expelled for reasons listed in this bill may be reported for a CHINS determination. These reasons are: student misconduct; substantial disobedience; unlawful activity (if reasonably considered an interference with school purposes or an educational function, or is necessary to restore order or protect persons on school property); is identified as bringing or being in possession of a firearm or bomb on school property, or bringing or being in possession of a deadly weapon on school property.

The total number of students suspended was 284,002 and number expelled 7,303 for CY 2001. An additional 5,000 students were suspended for tobacco possession/use, however it is unlikely that these students would be referred as a CHINS and are not included in the following tables.

Table 1: Total Suspensions for CY 2001

Category	In-School	Out-of-School	Total
Alcohol	32	492	524
Drugs	942	3394	4336
Weapons	91	1,143	1,234
Behavior	75,287	65,589	140,876
Other	80,991	56,041	137,032
Total	157,343	126,659	284,002

Table 2: Expulsions for CY 2001

	Number
Expulsions	7,303
Total Cases Including Suspensions	296,344

The estimate of the \$3,600 annual cost of CHINS for CY 2001 includes the population of children for whom investigations were completed as well as those who are CHINS. This overstates the costs for investigations and understates the costs for children in out-of-home placements. However, this is the most accurate number available from current data. For CY 2001 total child welfare expenditures were \$273 M for 76,000 children.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local School Corporations, County Offices of Family and Children, County Prosecuting Attorneys, and Courts with Juvenile Jurisdiction.

Information Sources: Susan Kilty, Legislative Liaison, FSSA, 317-232-4451; DOE SAS and ORACLE databases.

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